



ADMINISTRATION FOR
CHILDREN & FAMILIES

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OCT 30 2018

Gina Meier-Hummel, Secretary
Kansas Department for Children and Families
555 S. Kansas Avenue, 4th Floor
Topeka, KS 66603-3444

Dear Secretary Meier-Hummel:

This letter is to inform you that the Kansas Child Care and Development Fund (CCDF) Plan for the period of October 1, 2018, through September 30, 2021, has been provisionally approved. This “provisionally approved” plan is approved for the criminal background check provisions in Section 5.4 of the Plan and related waiver requests in Appendix A. Once the Office of Child Care (OCC) completes its review of the remaining provisions of the Plan in November, we will send a separate letter addressing approval of the complete Plan along with any conditions for corrective action as applicable.

Kansas has failed to demonstrate progress in implementing the background check provisions, and you did not meet the required milestones and conditions for a time-limited waiver. As a result, this letter serves as a preliminary notice of non-compliance pursuant to 45 CFR 98.90(b) and notification of ACF OCC’s intent to apply a penalty of five percent of the CCDF Discretionary funds under 45 CFR 98.92(b)(4). Please provide a written response to the OCC within 60 days. The OCC will then move forward with making a final determination, and the penalty will be applied during the first full fiscal year following the determination (i.e. FY 2020). The penalty may continue to be applied for each fiscal year that the State remains out of compliance.

The CCDF Plan includes questions that encompass all elements as required by regulations at 45 CFR 98.16. However, the Plan does not ask about all aspects of Federal requirements. For example, for the background check requirements, the Plan does not explicitly ask for the State’s definition of “child care staff members” that are subject to the checks, or whether the State has adopted the federally-mandated list of disqualifying crimes. During our review of the CCDF Plans, for some States we noticed areas of possible non-compliance with CCDF requirements that are outside the scope of this review for Plan approval. You will still need

to take action to come into compliance with these requirements, and your OCC Regional Office will follow-up with you on these areas. Recognizing the information in the Plans is not exhaustive, the OCC will monitor State compliance through multiple mechanisms. All requirements of the Act and the Rule are subject to the monitoring, compliance, and complaint actions as described in 45 CFR Subpart J, including 98.90, 98.91, and 98.92. Additionally, States and Territories are subject to audit requirements at 45 CFR 98.65 of CCDF regulations.

You will receive a Notice of Grant Award in October 2018 from the Office of Administration in the Administration for Children and Families (ACF). The notice will include the amount of your award and any additional terms and conditions for the receipt of CCDF program funds. During the effective period of this plan, any substantial changes to your CCDF program must be submitted as a plan amendment to your Regional Office for approval in accordance with 45 CFR 98.18(b). If you have any questions, please contact Doris Hallford.

Please remember to expect a second letter regarding your Plan once ACF OCC has completed its review in November. This letter will detail any additional conditions or Corrective Action Plans as applicable to your state.

We look forward to working together toward full implementation of the CCDBG Act of 2014 and promoting the early learning and development of children along with family economic stability and success. If you have any questions, please contact Doris Hallford, Child Care Program Manager, Office of Child Care at (816) 426-2264 or doris.hallford@acf.hhs.gov. Thank you for all you do each day for children and families.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Christian", with a long, sweeping horizontal line extending to the right.

Shannon Christian
Director
Office of Child Care

cc: Karen Beckerman, Strengthening Family Services Director
Doris Hallford, Regional Program Manager, Office of Child Care Region VII